A black and white photograph of a city street, likely in Montreal, showing tall apartment buildings on both sides and cars parked along the curb. The street is viewed from a low angle, looking down its length. A large black circle is overlaid on the top left corner, containing the text 'QUID NOVI' in white.

# QUID NOVI

Journal des étudiant-e-s  
en droit de l'université McGill

McGill Law's  
Weekly Student Newspaper

Volume 33, n°17  
13 mars 2012 | March 13<sup>th</sup> 2012





*Journal des étudiant-e-s  
en droit de l'université McGill  
McGill Law's Weekly Student Newspaper*

**Volume 33 n°17**  
**13 mars 2012 | March 13<sup>th</sup> 2012**

**QUID NOVI**

3661 Peel Street  
Montréal, Québec H2A 1X1

<http://quid.mcgill.ca/>

**EDITORS IN CHIEF**

Amanda Petrakis  
Hélia Taheri  
Thomas Gagnon-van Leeuwen

**ASSOCIATE REVIEWERS**

Katherine Abarca  
Alexandra Belley-McKinnon  
Ivana Cescutti  
Eliza Cohen  
Kelly Cohen  
Giselle Davidian  
Kai Shan He  
Alexandra Lazar  
Angèle Périllat-Amédée  
Catherine Hamill  
Audrey Mayrand  
Golnaz Nayerahmadi  
Anh Thang Nguyen  
James Nowlan  
Laura Scheim  
Daniel Tsarevsky

**LAYOUT EDITORS**

Katherine Abarca  
Jérémy Boulanger-Bonnelly  
Nicholas Choinière  
Kai Shan He  
Maxime Puteaux  
Gabriel Rochette

**STAFF WRITERS**

Ludovic Bourdages  
Jonathan Brosseau  
David Groves  
Alexandre Michaud  
Vincent Ranger  
Michael Shortt  
Derek Zeisman

**CARTOONIST**

Andrew Baker

**WEBMASTER**

Jérémy Boulanger-Bonnelly

---

## WHAT'S INSIDE? QUEL EST LE CONTENU?

---

ÉDITO	3
DE L'INDIFFÉRENCE	4
DÉPART_71	5
ON INVISIBLE CHILDREN'S KONY 2012 CAMPAIGN	7
RAPPORT DU CONSEIL DE LA FACULTÉ - 15 FÉVRIER 2012	9
LIBRARY NEWS - FLOOD AFTERMATH	11
POST-INDUSTRIAL CANADA: CAN THE CENTRE HOLD?	13
THE QUID INTERVIEWS STEPHANIE NOWAK	17
THE EQUALITY EFFECT: UPDATE	18
PLAN NORD ET COMMUNAUTÉS AUTOCHTONES NORDIQUES	21
MARCH: THE END OF RESOLVE	26
OVERHEARD AT THE FAC	27

---

## WANT TO TALK? TU VEUX T'EXPRIMER?

---

Envoyez vos commentaires ou articles avant  
jeudi 17h à l'adresse : [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

Toute contribution doit indiquer le nom de  
l'auteur, son année d'étude ainsi qu'un titre  
pour l'article. L'article ne sera publiée qu'à la  
discrétion du comité de rédaction, qui

basera sa décision sur la politique de  
rédaction.

Contributions should preferably be submitted as  
a .doc attachment (and not, for instance, a  
".docx").



THOMAS  
GAGNON-VAN  
LEEUVEN

## ENVERS ET CONTRE TOUT

Je ne fais pas la course aux stages. Je la ferai peut-être l'an prochain, peut-être pas. Reste que, pour le moment, je me sens un peu comme un extraterrestre.

C'est peut-être seulement moi, mais j'ai l'impression que mes deux années à McGill m'ont conditionné à me sentir obligé de faire la course aux stages. Pour un étudiant qui rentre à la Faculté sans savoir précisément quel genre de droit il veut pratiquer ou même s'il désire pratiquer le droit ou non, j'ai l'impression que décrocher un stage dans un grand cabinet se dessine inévitablement comme le signe ultime de réussite.

Je parle pour moi, bien sûr. J'en connais plusieurs qui sont passionnés, disons, de justice sociale et qui s'enlignent vers une carrière dans l'intérêt public. D'autres ont les compétences et la passion pour défendre les droits humains dans une ONG. Cependant, le fait demeure que, pour une raison ou une autre, la plupart d'entre nous arrivent à l'hiver de notre deuxième année et se disent: « Je devrais faire la course aux stages. »

Pourquoi ce réflexe? Si je ne m'abuse, nous n'étions pas particulièrement nombreux à exprimer notre amour du droit des affaires dans notre lettre de présentation pour être admis à la Faculté. Il y en a, et je les respecte tout à fait. Quant à moi, j'ai relu récemment ma lettre et j'ai souri d'un sourire un peu fataliste quand j'ai lu que j'avais invoqué « les droits de l'homme et la diplomatie » pour justifier mon intérêt à étudier en droit. Et j'étais sincère!

Il est normal et sain que nos intérêts changent au cours de notre parcours. Dans mon cas, je n'accorde pas moins d'importance aujourd'hui aux droits humains qu'en mars 2010, mais j'ai réalisé que plusieurs étaient infiniment plus outillés et passionnés pour travailler au change-

ment qui me faisait rêver il y a deux ans. J'ai réalisé que je serais plus heureux et plus utile à la société dans des domaines connexes à mes intérêts.

Mais changement d'intérêt n'égale pas automatiquement Norton Rose, Stikeman Elliott et autres McCarthy Tétrault. Au-delà du parcours de chacun, il y a un certain momentum dans cette Faculté qui fait que, si on n'y résiste pas consciemment, on se retrouvera probablement à faire la course aux stages — ou à se sentir mal de ne pas l'avoir faite. Les grands cabinets s'immiscent dans notre réalité étudiante de manière à ce qu'ils nous apparaissent comme l'option par défaut, l'option par excellence pour un étudiant ambitieux quand vient le temps de choisir une carrière.

Ceci n'est pas pour dire que leur présence à la Faculté est néfaste. Croyez-moi, j'ai profité à fond de l'excellent service de traiteur de l'atrium des jeudi soirs de novembre à février. La semaine passée à peine, j'ai assisté à un excellent événement co-organisé par Outlaw et un grand cabinet. Ce Quid est financé en partie par les publicités qui apparaissent sur nos pages. Et je tiens à souligner le travail exemplaire de ceux qui passent de longues heures à organiser des événements avec les cabinets.

Mais il faut le reconnaître: ils ont les moyens de s'imposer comme le choix évident pour les futurs avocats ambitieux qui veulent travailler au Québec.

Clientèle oblige, le Centre de développement professionnel prépare et soutient les étudiants tout au long de la course. Les séances d'information, pratiques d'entrevues, et autres événements préparatoires se multiplient. Sans l'avoir vécu, je suis confiant que le CDP fait un travail remarquable pour encadrer les étudiants qui participent au processus.

Cependant, je ne crois pas être le seul qui apprécierait voir d'autres choix de carrières occuper une place plus importante dans les activités du CDP. Il y a tout de même, par exemple, le Public Interest Career Day, un rappel occasionnel des dates limites pour postuler dans divers postes gouvernementaux, et un Guide pour les cabinets de petite taille ou de taille moyenne que je recommande d'ailleurs (il est disponible sur le site web).

Dans l'ensemble, cependant, le CDP confirme — s'il ne crée pas — cette impression que la course aux stages est le meilleur choix. Nous devrions tous réfléchir à comment nous pouvons publiciser les différentes options qui s'offrent à nous et les promouvoir au même rang que la course.

Il existe d'excellentes raisons pour faire son stage du Barreau dans un grand cabinet. On le dit souvent, c'est une excellente école pour former le jeune juriste fraîchement sorti de l'université. Pour certains, le droit des affaires est au cœur de leur plan de carrière — et c'est très bien.

Mais de grâce, soyons conscients des autres options qui s'offrent à nous. Prenons le temps de réfléchir à ce qui nous intéresse vraiment. Résistons au réflexe de mettre les grands cabinets sur un piédestal et de considérer tout autre option comme un deuxième choix. Et à ceux qui n'ont pas décroché une entrevue, ne découragez pas: il y a toujours l'an prochain, et qui sait? c'est peut-être un mal pour un bien.

Quant à moi, je continue à explorer mes options pour cet été. Est-ce que je ferai la course dans un an? Peut-être que non, peut-être que oui — si, du moins, cet éditorial n'a pas anéanti toutes mes chances de recevoir une offre.



GABRIELLA  
ROZANKOVIC

Law II

# DE L'INDIFFÉRENCE

Le 7 mars dernier, par une majorité de 1.2%, soit 6 votes, la Faculté de droit de l'Université McGill a choisi de ne pas appuyer le mouvement étudiant contre la hausse des frais de scolarité, en rejetant la proposition d'une levée de cours symbolique d'une journée. Je suis déçue. Profondément déçue. Mais je choisis de respecter la décision démocratique de mes collègues. Je choisis de ne pas m'adonner à des enfantillages tels que, par exemple, la promotion du retrait de mon association étudiante<sup>1</sup>.

Par contre, je choisis aussi d'exprimer ma déception face à cette décision et les questions qu'elle suscite chez moi par rapport à l'institution à laquelle je m'identifie. Je ne crois pas que ce processus de réflexion soit antidémocratique ou irrespectueux. À cet égard, l'un de nos collègues soulève à juste titre :

«Le respect, ici, c'est admettre qu'une autre position que la nôtre est valable, ne pas chercher à la rendre illégitime et même chercher à comprendre le fondement. On ne saurait considérer, cependant, que le respect commande l'absence de critique. Et à cet égard, je reste convaincu que l'absence d'un engagement formel et symbolique de la part de notre Faculté à l'échelle nationale doit être critiqué, qu'il s'agisse ou non de la position majoritaire. »

Sans s'attaquer à la crédibilité ou aux idées des étudiants dont le vote diffère du mien, on ne peut nier les effets de cette décision et le message qu'elle envoie à la population québécoise.

En votant « Non », Droit McGill, tu as choisi une fois de plus de perpétuer le stéréotype d'isolement de ton institution par rapport au reste du corps étudiant québécois.

En votant « Non », Droit McGill, tu as choisi de ne pas te joindre à un mouvement social criant, comme l'ont pourtant fait des collègues du même champ d'étude que toi (Facultés de droit de l'Université de Montréal et de l'UQAM), du même milieu professionnel que toi (Facultés de médecine de l'Université de Montréal et de l'Université Sherbrooke) et du même bagage socioculturel que toi (Université Concordia).

En votant « Non », Droit McGill, tu as considéré que les revendications de 130 000 de tes collègues étudiants n'étaient pas assez légitimes pour valoir ton appui symbolique pendant vingt-quatre heures, appui qui aurait pu marquer les consciences, sans pour autant commander ton implication active.

Dans les derniers mois, j'ai eu la chance d'échanger, de discuter et de débattre avec beaucoup d'étudiants qui n'arborent pas un carré rouge, mais qui partagent une ouverture ou, du moins, un intérêt pour le dialogue. À tous ces collègues et amis, je vous salue et vous remercie de participer au débat, d'avoir une position réfléchie et diamétralement opposée à la mienne. J'ai aussi été confrontée à de nombreuses allégations méprisantes et moqueries qui s'attaquaient avec condescendance à la valeur même des revendications étudiantes. À leur auteurs, je vous félicite d'avoir gagné ce combat par la voie de l'inertie pour demeurer dans votre confortable statu quo.

Pour les autres cependant, ceux que le débat a soulevés, il est éclairant de mettre au jour cette constante qui s'est dessinée au fil des discussions, soit la présence de concessions à l'égard des revendications dont j'ai tenté de me faire modeste porte-parole :

«C'est vrai qu'il y a trop de fonds qui se perdent dans la bureaucratie administrative des Universités, mais... »

« C'est vrai qu'il est déplorable que le gouvernement ait refusé d'ouvrir la porte aux leaders étudiants, ne serait-ce que pour écouter ce qu'ils ont à dire, mais... »

« C'est vrai que l'Îlot Voyageur est un vaste fiasco de centaines millions de dollars et que nous assistons à une course à la prolifération de pavillons universitaires inutiles, mais... »

« C'est vrai que le système de Prêts et Bourses ne sera pas revampé adéquatement et demeure inaccessible à la vaste majorité des étudiants, mais... »

« C'est vrai que cette augmentation ne représente qu'une fraction négligeable du budget de ce gouvernement qui, écla-boussé comme il l'a été, est peut-être mal placé pour demander aux étudiants de se serrer la ceinture, mais... »

Une question me perturbe, Droit McGill: pourquoi tout abandonner à ce « mais » ? La simple existence de quelques questions et de revendications légitimes n'est-elle pas suffisante pour valoir ton appui symbolique de vingt-quatre heures, le 22 mars prochain? Si tu ne t'opposes pas à la hausse des frais de scolarité per se, oppose-toi à une mauvaise administration de tes frais et de tes taxes, oppose-toi à l'absence de transparence et d'ouverture de ton gouvernement, oppose-toi à la diminution progressive et inquiétante des programmes sociaux qui font la singularité de ta société. Appuie la mouvance de tes collègues étudiants, souvent qualifiés à tort d'apathiques ou de dépolitisés. Appuie la libre expression des idées de la jeunesse dans l'espace public. Ton accord, avec ne serait-ce qu'une seule des revendications mentionnées ci-haut ou évo-



quées dans la sphère médiatique au cours des dix derniers mois, aurait suffi quant à moi pour mériter ton appui solidaire et symbolique d'une journée; pour que tu puisses, le 22 mars prochain, prendre vingt-quatre heures pour repenser à cette société dans laquelle tu as choisis de jouer un rôle actif en devenant juriste.

À mes yeux, ce qui demeure le plus aberrant dans tout ce dénouement, c'est de constater que 46.4% des membres de notre Faculté se sont abstenus de voter ou ont choisi de «ne pas émettre d'opinion». Ainsi, près de la moitié des membres de ce qui est supposé être la Faculté de droit québécoise la plus ouverte sur le monde, ne se sont pas sentis interpellés par l'indéniable brassage social, par les débats qui animent nos ondes, nos réseaux sociaux et nos discussions depuis des mois, par les dizaines de milliers de collègues étudiants qui sont dans nos rues depuis des semaines (et comme on a pu voir la semaine dernière, parfois au risque de leur intégrité physique), pour simple-

ment prendre position sur la question de la hausse des frais de scolarité. Le résultat est d'un mutisme gênant.

Il n'y a plus d'excuses, à ce stade-ci du débat, pour ne pas être minimalement informé ou conscient des enjeux généraux. Trop souvent m'a-t-on demandé «Comment cette hausse va-t-elle m'affecter, moi?», plutôt que d'approcher la question d'un point de vue collectif. Et malheureusement pour les grands frileux de la politique, on ne peut prétendre comme à l'habitude que cette question ne relève pas du mandat de notre association étudiante.

Alors que la Faculté était à feu et à sang l'automne dernier par rapport à MUNACA, à des caricatures dans le Quid ou au traitement des SNAILS dans la bibliothèque, on se heurte à l'indifférence sur une question qui concerne le monde extérieur à notre bulle facultaire. Je n'essaie pas ici de discréditer ces autres enjeux, mais simplement de démontrer que notre Faculté sait

se mouvoir... et qu'elle le fait très féroce-ment lorsque ses intérêts personnels sont en jeu. L'indifférence n'a pas sa place dans une faculté de droit et, ces jours-ci, elle n'a plus sa place dans une institution universitaire.

McGill est une université du monde, mais, avant tout, McGill est une université qui s'inscrit dans une société. Notre université et notre faculté de droit «appartiennent à la société québécoise» et «ont des racines profondes dans la communauté montréalaise». Et ça, ce n'est pas moi, mais notre Doyen qui le dit<sup>2</sup>. C'est avec une profonde déception que je constate que tout ce que les étudiants québécois entendront venant de nous ce printemps, c'est un silence et des échos d'indifférence.

\* \* \*

1. Je fais notamment référence au nouveau mouvement Jemeretire.ca, lancé il y a deux semaines.

2. Daniel Jutras, « Un exploit », lettre ouverte dans la Presse du 13 septembre 2011.

## DÉPART\_71

Law I

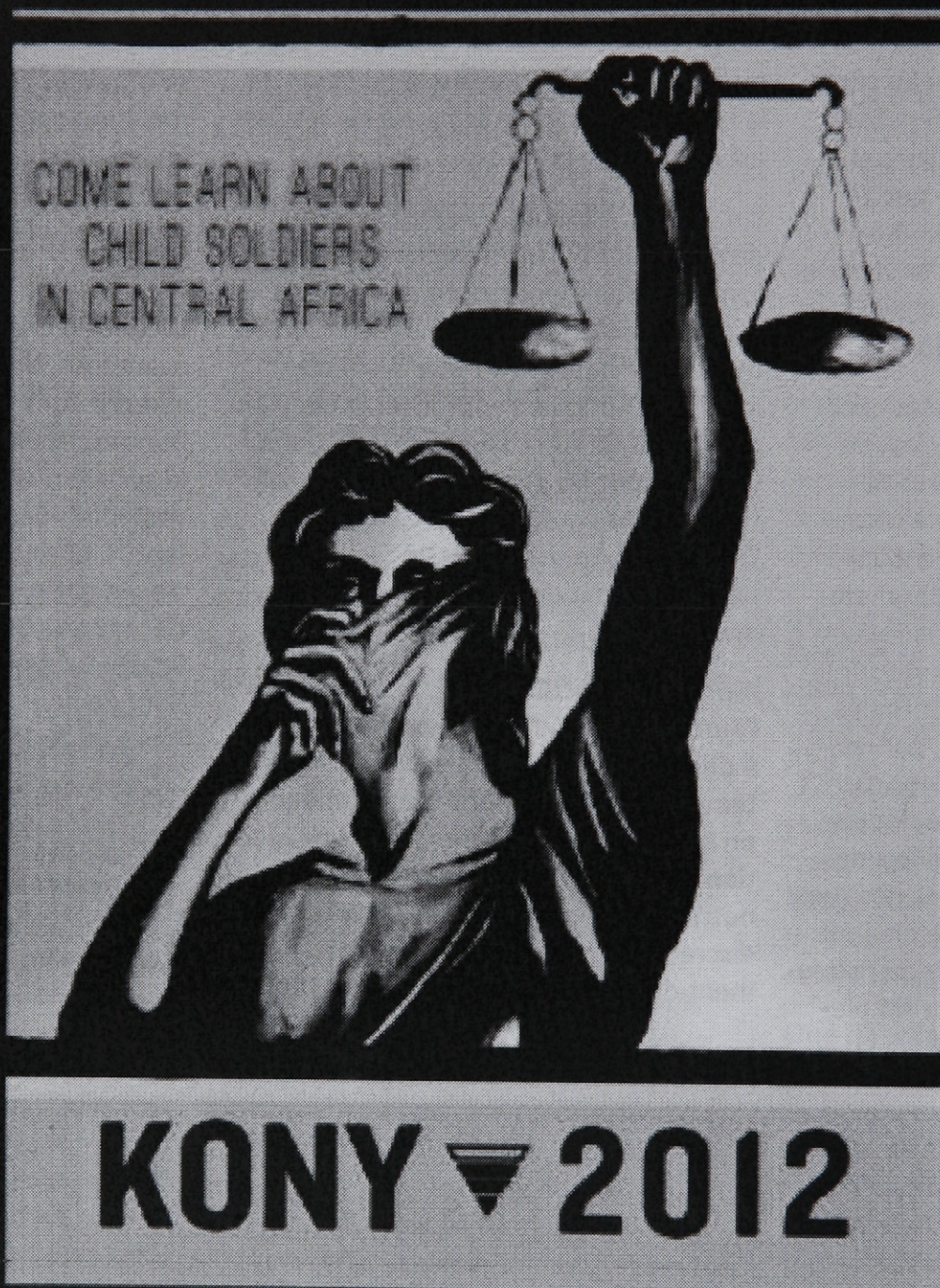
JONATHAN  
BROSSEAU

de se compromettre entre les détours  
de la pluie nos corps fuyant un hiver  
sans avoir baisé joue un ruban un  
papier froissé petit garçon son  
inexorable solitude et des  
chansons pétrole coloré par le feu  
ce vacarme dans la ruelle ma  
tendre hésitation conforte tout et  
même des crayons de plombs ne sauraient  
danser devant ce qui n'arrive pas



# YOU'RE INVITED

sponsored by:



presented by:



FILM SCREENING WITH SPECIAL GUEST: ALUPO CONNIE  
WHEN: MARCH 13TH, 7PM  
WHERE: RM 204, MCCONNELL ENGINEERING (3480 UNIVERSITY ST.)



# ON INVISIBLE CHILDREN'S KONY 2012 CAMPAIGN

*The following is an extract from a longer blog post on the Kony 2012 film. I have provided links & other information in that post, which you can access at [www.siena-anstis.com](http://www.siena-anstis.com).*

If there was a prize for the NGO who best commodifies white man's burden on the African continent, and more specifically in Uganda, Invisible Children would win. They recently struck again with a new video and campaign titled "Kony 2012." The video has since gone viral and their social media tactics are definitely to be admired. Their underlying message – which is, of course, more important – is not to be.

My impression is that the movie is being used as a means for Invisible Children to (i) stay relevant and (ii) raise more funding. Regardless of this opinion, running campaigns to raise awareness is not necessarily damning in itself (and, indeed, in many cases should be commended). Rather, the manner in which it is done is very important.

The issue with social media is really highlighted by Invisible Children. The number of "likes" on your Facebook page is not necessarily related to the quality of information you share. Social media allows making anything viral, quickly. People often do not look into the substance of the message, or even watch the video you are sending. Once you become a brand, you can do anything. Invisible Children has successfully become a brand, but it is sharing information that is far from nuanced and based on emotional reactions. It fails to paint the full picture. This can be damning in many ways. For example, by suggesting that ending the slaughter of innocent civilians by the LRA is as simple as wearing a wristband, or by painting a picture where Americans are central to ending the conflict (they certainly do play a role and I do think Invisible Children's letter to the US government is worth a read). However, the story simply does not end here.

In addition to what others have said about the Kony 2012 film, my main concern is that Gulu – and Uganda – has gone through some incredible changes. The economy is booming. The region is re-stabilizing. While Kony's men continue to kill elsewhere, Gulu is not a static, unchanging place. Neither is Uganda, neither is the continent. Portraying a region like Gulu as such, and sending the mass message that the whole continent reflects this, is damaging. It undermines possibilities of investment. It clouds story of entrepreneurship, success and innovation. This goes hand in hand with saying "I work in Africa." Lumping the continent as one messy area.

When it comes to the ICC indictment of Kony and ending the tragedy that the LRA are responsible for, the film clip fails to consider the difficulties that such an international indictment can have and what alternatives an offer like amnesty might have had. There have been major debates about the peace-versus-justice debate, which not only have an impact on how we conceive of the Kony indictment, but also of the ICC as an institution. When it comes to supporting American troops in Uganda, it fails to consider the wider systemic problems that are likely contributing to a failure to arrest Kony and which have little to do with whether the US sends a few soldiers abroad or not. Surely Invisible Children's audience is not so simplistic that being presented with some of critical questions in the movie would kill their messaging? I think Musa Okwonga, writing in the Independent, highlights the tension between the need to draw attention to these issues. I urge you to read his thoughts here: <http://blogs.independent.co.uk/2012/03/07/stop-kony-yes-but-dont-stop-asking-questions/>.

There is another aspect about this particular video that I find disturbing. Invisible Children says it will be targeting "culture makers". Not one of these individuals have significant, vested interests in the African continent (let alone



Uganda). Not one person is from Uganda or the wider region. Encouraging a diversity of voices, and providing a platform for new African leaders – whether political, economic, or social – would help highlight that the continent is not just Kony, war and rape and would provide a valuable, wider messaging. The bottom line with poverty porn messaging is that it paints leaders who are struggling in their communities to tackle these problems as hopeless and useless. Keep the American “culture makers,” but why not also provide Ugandan leaders with a platform from which to speak as well?

In closing, I think the ‘we must start somewhere’ and the ‘better than nothing’ arguments are really tricky. The thing with Invisible Children is that they are not just starting from nowhere and they aren’t just doing nothing. They affect a huge contingent of people around the world. Through extensive fundraising, they have incredible resources. They have a strong foundation and could present a more nuanced and respectful campaign if they

wanted to. With that said, I guess I think it is a shame that, after all this time and with their experience, they (i) believe their listeners do not want more answers to the complicated questions and (ii) have not considered including and uplifting leaders from the communities which they talk about who could provide a more honest and in-depth picture.

Regardless, I’d like to thank Invisible Children for giving us yet another opportunity to discuss how destructive bad advocacy can be. Here’s an opportunity to challenge ourselves, particularly those who work in development and aid communications, to try and collectively brainstorm how we can generate important stories and campaigns, while sending messages that are empowering, accurate and thought-provoking. It is also an opportunity for each of us to personally dig a bit deeper into the challenge of Kony and the LRA and become more familiar with these issues.

**hrwg**

**gamdp**



## A DISCUSSION ON ETHICAL ENGAGEMENT

The Human Rights Working Group and Centre for Human Rights and Legal Pluralism at the McGill Faculty of Law welcomes students and community members to participate in a lunch time discussion on issues around ‘Ethical Engagement.’ This talk will provide participants with an opportunity to reflect on and consider various issues raised by the recently released movie “Kony 2012” (Invisible Children). The discussion will be informal and facilitated by Dr. Nandini Ramanujam and a student.

Where: Room 16, Old Chancellor Day Hall, McGill Faculty of Law (3644 Peel St.)  
When: March 21, 12:30-2:00

*Please RSVP to [siena.anstis@mail.mcgill.ca](mailto:siena.anstis@mail.mcgill.ca) by **March 16th**. Lunch will be provided.*



# RAPPORT DU CONSEIL DE LA FACULTÉ

15 FÉVRIER 2012

Le mois dernier, de grandes discussions ont eu lieu au Conseil de la Faculté et d'importantes résolutions affectant l'expérience scolaire en droit à McGill furent adoptées. Les étudiants de première année devraient lire la section "Common Law Degree Changes" attentivement puisque les critères d'obtention de leur grade ont changé.

## Common Law Degree Changes

Two new requirements have been added to the McGill LLB/BCL. Students graduating in 2014 and later must take the course Business Associations and one course of administrative law.

Last year, the Federation of Law Societies of Canada, a group that sets the degree requirements for admission to the Bar in common law provinces, released a report requiring new competencies for incoming law students. In particular, the new degree requirements included knowledge of "the principles of Canadian administrative law" and "legal and fiduciary relationships in a commercial context, including corporate governance." Law students would not be eligible to take bar exams in any common law province unless their degree program included these two competencies.

McGill's Curriculum Committee debated how to best meet these requirements, and accordingly brought motions to Faculty Council to make two changes to the degree requirements. All motions passed.

First, Business Associations will become a mandatory course, and second, students will need to choose one course from a (very large) basket of administrative law classes. As a consequence of Business Association's new mandatory status, it was removed from the transsystemic basket, and the total credit requirements for that

basket reduced to 3 credits of common law and 3 credits of civil law classes.

Alors que l'addition du critère de connaissance en droit administratif a été accepté sans trop de débat, la motion visant à rendre obligatoire le cours Business Associations a soulevé des passions. Tout en reconnaissant que la motion était motivée par les nouveaux critères imposés par la Fédération des ordres professionnels de juristes du Canada (que la Faculté doit respecter pour l'accréditation du programme), plusieurs professeurs ont questionné le fait de rendre le cours obligatoire pour répondre à ces exigences. Il s'agit en effet d'une tendance que la faculté essaie d'éviter dans le but d'offrir aux étudiants plus de choix. Le comité du curriculum a promis d'étudier dans le futur d'autres options que le cours Business Associations obligatoire.

Le comité du curriculum a réaffirmé qu'il croit en l'importance du cours pour tous les étudiants du programme, a souligné que la vaste majorité des étudiants le prend déjà et a expliqué que l'approche des paniers de droit civil et common law devenait inutile pour le cours Business Association puisqu'il n'y a vraiment qu'un cours qui enseigne les concepts, c'est-à-dire BUS2 365 (Business Associations).

## Survey Results from the Law School Survey of Student Engagement

The Dean spoke to the recently-received results from the Law School Survey of Student Engagement (LSSE), which had a high response rate and found both strengths and weaknesses in the McGill faculty environment. The survey revealed that students feel challenged and have access to various good opportunities for research and writing with professors, but that the

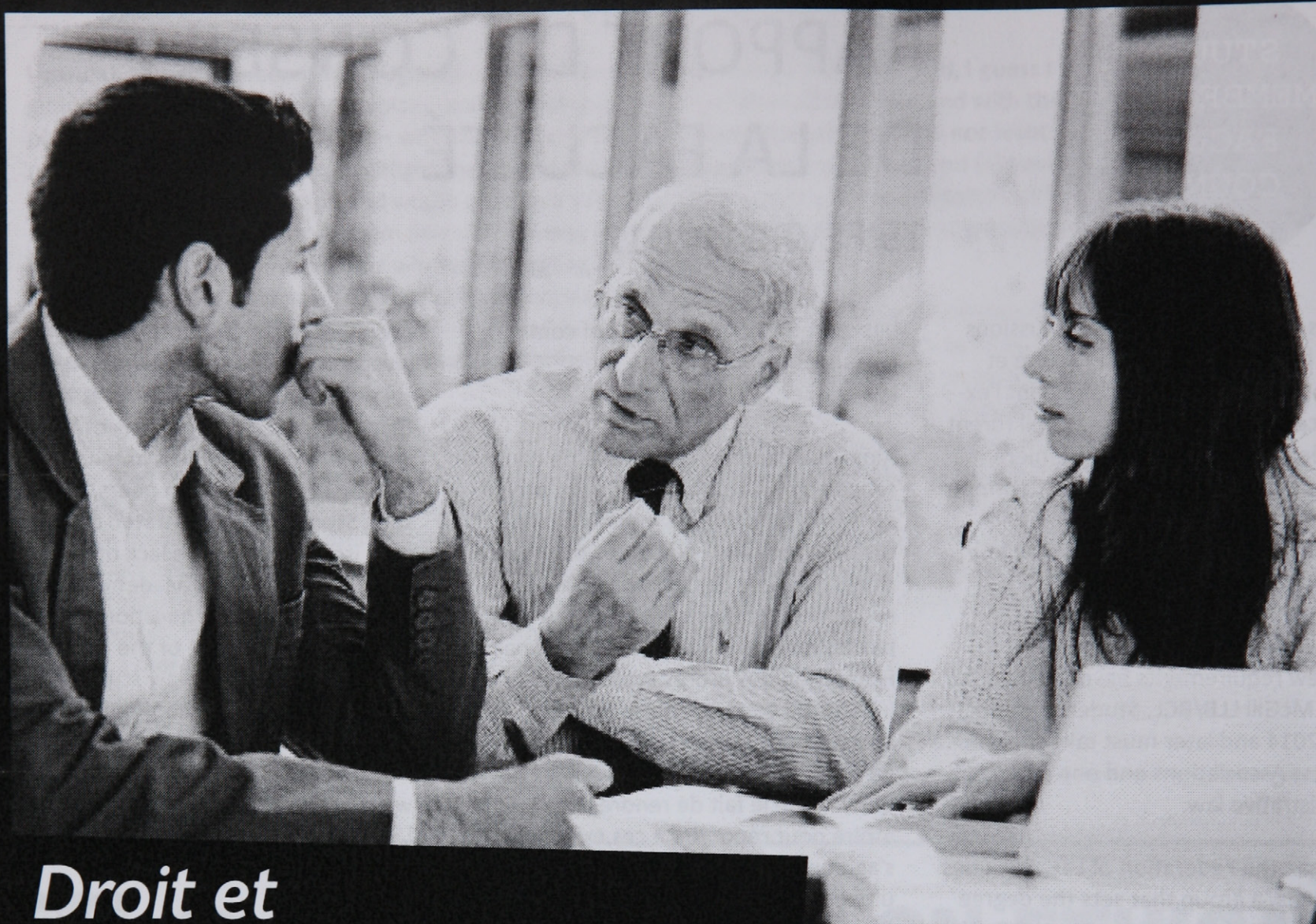
overall environment at the faculty is not always supportive of students. Responses suggested that McGill law rates lower than other faculties in terms of how students rate their wellness and how they rate their relations with peers, faculty, and staff. Students demonstrated concern over issues such as the lack of feedback they receive on their academic performance, and raised the question as to whether (irrespective of the inherently challenging nature of law studies) McGill is fostering an overly competitive environment when compared to other law faculties. The Dean stated that his intention was to return to the issues raised by the LSSE in the future, because he felt they were important ones.

## Planification financière et collecte de fonds

Le doyen a aussi parlé du prochain budget de l'université, qui proposera probablement un budget basé sur les activités. Ce modèle, déjà utilisé par plusieurs institutions à vocation éducative au Québec, adopte une approche du genre « eat what you kill » : les revenus générés par les frais de scolarités et les subventions de recherche constitueraient le budget de la faculté. Cette approche n'est pas présentement utilisée à McGill. Le doyen note que ce nouveau genre de planification budgétaire n'est qu'une possibilité pour le moment, mais il tenait à avertir les membres de la Faculté au cas où l'administration de l'université déciderait de poursuivre dans cette direction.

Sur une note plus positive, le doyen a souligné le succès de la campagne de financement de McGill. La faculté a déjà atteint son objectif de \$35 000 000, établi par l'université au sein de sa campagne visant à amasser \$750 000 000. Cette somme vient d'entreprises et d'anciens de





## ***Droit et politiques de la santé***

### **Contribuez au réseau de la santé de demain**

- Programmes d'études supérieures les plus avancés dans le domaine au Canada
- Conçus pour les juristes, médecins, gestionnaires et autres professionnels liés au monde de la santé
- Chaire de droit et gouvernance de la santé, faculté membre d'un consortium des meilleures universités canadiennes en DPS, groupe de recherche, etc.
- Programme de bourses exceptionnel
- Possibilité de stage et de séjour d'études à l'étranger

[USherbrooke.ca/droit/dps](http://USherbrooke.ca/droit/dps)

### ***Séance d'information***

23 février à 19 h

Campus de Sherbrooke

Faculté de droit, local A9-162

Réservation et information :

[Michael.Gagnon@USherbrooke.ca](mailto:Michael.Gagnon@USherbrooke.ca)



**UNIVERSITÉ DE  
SHERBROOKE**



la Faculté. La plupart des fonds serviront aux différentes chaires de recherche et aux bourses, de même qu'au soutien de la vie étudiante et aux rénovations.

#### Cancellation of Low Enrolment Courses

During Question Period, LSA VP-Academic Georgia Papadolias relayed students' concern over the cancellation of several classes more than two weeks into the semester. Three classes were cancelled, all with enrolment between 4 and 7 students each. Ms Papadolias indicated the difficulty this created for students, many of whom had already invested significant time and money into the courses. She also pointed out that by two weeks into the semester, options to join other courses are often limited. Vice Provost Academic Jaye Ellis indicated that the official minimum size for classes is 10 students (although the SAO does have discretion to maintain low enrolment courses). She stated that the current situation is less than ideal, but that the SAO tried to sup-

port students to the best of their ability by giving an extension of the add/drop period to students in cancelled courses, and by encouraging professors of the cancelled courses to supervise term essays on the same topic with students as an alternative.

Des suggestions ont été faites par des membres de la faculté pour minimiser les effets de cette politique. Professeure Piper a fait remarquer que les dissertations ne remplacent pas toujours adéquatement l'expérience de partage entre étudiants et professeurs qui existe dans une salle de classe. Professeur Antaki a suggéré que les cours pour lesquels un faible taux d'inscription est anticipé pourraient faire l'objet d'une attention particulière lors de la planification des horaires pour éviter les conflits.

#### Mooting Congratulations

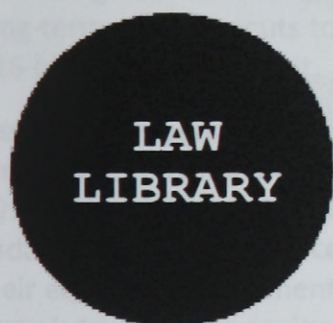
The Dean congratulated both of McGill's recently successful moot teams, and was

proud to announce the prizes garnered in both the Concours Mignault and the Coupe Guy-Gérin (Sopinka moot). This continues a long tradition of success by McGill in both these competitions.

#### Remarques finales

Voilà! Une autre réunion importante remplie de débats, de discussions et finalement de changements qui affectent ce que ça veut dire d'étudier le droit à McGill. N'hésitez pas à approcher les membres du Conseil de la Faculté pour discuter de ces questions ou d'autres. Il est essentiel que la voix des étudiants soit entendue.

Pascale April  
Eric Brousseau  
Michael Shortt  
Derek Zeisman  
Eden Alexander



## LIBRARY NEWS: FLOOD AFTERMATH

Good news: NO single book was damaged!

As all of you probably know, we had a big flood on the 5th floor of the Nahum Gelber Law Library last Monday, March the 5th. Water was flowing between the book stacks on the 5th floor, the carpet was soaked, and the water was dripping down the elevators' shafts and down the walls to the 4th floor area. There was no access to both the 4th & 5th floors, for security reasons and because of the emergency crew working on the flooded floors. After the water flow was stopped, and the immediate danger was over, the books from affected area were removed, and

the area was cleaned. Early Tuesday morning, there was a large contingent of workers cleaning up and repairing the damage, so that students could have their work spaces back as soon as possible. Large fans were installed on 4th & 5th floors as well as a dehumidifier on 5th. Walls were opened, new sheets of drywall were installed, and the floor was re-carpeted. When the 5th and/or the 4th floors were closed, the library staff at the loans desk was taking the requests for the books located on those floors. When the requested volumes were retrieved, e-mails were sent to the students informing them about the availability of the books. At present, the 4th and 5th floors are

open, and all library collection and facilities are accessible to the users.

The Law Library is extremely grateful to the Law students who did their best to slow the water flow before the arrival of the plumbers. Also, we would like to thank all Law students and Faculty members for their understanding and support.

*In this column, we would be delighted to answer all your library-services-related questions. Please send your questions to Svetlana Kochkina, Liaison Librarian Nahum Gelber Law Library  
svetlana.kochkina@mcgill.ca*



# P3'S MODERNIZATION OF THE QUEBEC HEALTHCARE SYSTEM: THE ROLE OF THE LEGAL PRACTITIONER

## SPEAKERS:

ANDREW FORD  
(PARTNER, FASKEN MARTINEAU)

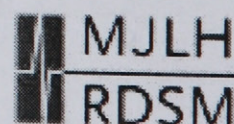
ANDRE DUFOUR  
PRESIDENT, GROUPE IMMOBILIE  
SANTÉ MCGILL—SNC-LAVALIN

ERIC MICHAUD  
(DIRECTOR, INFRASTRUCTURE  
QUEBEC)


WEDNESDAY  
MARCH 21,  
2012


NCDH 3RD  
FLOOR


6:30 P.M.



FOR MORE INFORMATION CONTACT:  
MANAGER.MJLH@MAIL.MCGILL.CA

**FASKEN  
MARTINEAU** 

Infrastructure  
**Québec** 

  
**SNC • LAVALIN**



DEREK  
ZEISMAN

## DATUM ERRATUM

POST-INDUSTRIAL CANADA:  
CAN THE CENTRE HOLD?

*Turning and turning in the widening gyre  
The falcon cannot hear the falconer;  
Things fall apart; the centre cannot hold;  
Mere anarchy is loosed upon the world,  
The blood-dimmed tide is loosed, and every-  
where  
The ceremony of innocence is drowned;  
The best lack all conviction, while the  
worst  
Are full of passionate intensity.*  
~ William Butler Yeats, "The Second Co-  
ming," 1919

News item: The results of the 2011 Cen-  
sus reveal that for the first time in history,  
more Canadians live west of Ontario than  
live east of Ontario.

News item: Respected economist Don  
Drummond sounds the alarm on Ontario's  
crumbling balance sheet, calling for deep,  
long-term spending cuts to trim a massive  
\$16-billion budget deficit.

News item: Alberta's Finance Minister fo-  
recasts a \$5.2-billion annual surplus by  
2014-15, and demands proof that Ca-  
nada's "have-not" provinces are spending  
their equalization payments wisely, if Al-  
berta is to continue paying its growing  
share of this longtime federal program.

News item: Liberal MP Justin Trudeau  
creates a public brouhaha when he de-  
clares, ever-so-slightly tongue-in-cheek,  
that a socially conservative Canada might  
someday make him reconsider the notion  
of Quebec independence.

I fear these random bits of trivia spell real  
trouble for Canada in the years ahead.

\* \* \*

Since the dawn of Confederation, this  
country has been ruled without interrup-  
tion by its two largest and richest found-  
ing partners: Upper Canada and Lower  
Canada, Ontario and Quebec.

Compared against the two wealthiest and  
most populous central Canadian pro-  
vinces, Atlantic Canada and the West have  
long been the inconsequential bookends  
of Confederation. To varying degrees,  
both regions have traditionally been de-  
pendent on the wealthy Ontario-Quebec  
axis to pay their bills, and keep their peo-  
ple from falling into relative poverty.

My, but how times change. The two reces-  
sions of the last decade, together with a  
steep rise in the value of the Canadian  
dollar, have taken a traumatic toll. The  
manufacturing base that built the Onta-  
rio-Quebec axis into the dominating (if  
not domineering) force of Confederation  
is unraveling with alarming speed, as long-  
time industries pick up stakes and move  
their jobs to lower-cost jurisdictions in the  
U.S. and overseas.

In place of these jobs has come a sea of  
red ink. The balance sheets of Ontario and  
Quebec have been ravaged by plumme-  
ting revenues and spiraling costs. Onta-  
rio's current annual deficit exceeds  
\$16-billion. The province's net debt is at  
an unprecedented \$220-billion, or nearly  
half the federal government's total. This  
works out to a provincial debt-to-GDP  
ratio of 36 per cent.

Despite record-low interest rates, Ontari-  
owe is now paying out more than \$10-bil-  
lion annually in interest on its debt – more  
than the province's entire budget for post-  
secondary education and training. In  
2010-11 alone, Ontario borrowed the  
equivalent of \$2,100 for every man,  
woman and child in the province. This is  
madness.

Quebec's situation is not much better, and  
in some respects far worse. Although the  
province's \$3.8-billion deficit is much  
smaller than Ontario's, Quebec's accumu-

lated debt sits at \$184-billion. This works  
out to a crushing 56 per cent debt-to-GDP  
ratio. Finance Minister Raymond Bachand,  
ever the optimist, is predicting a \$2-billion  
surplus by 2015. He is going to need it, if  
le bateau du Québec is to remain afloat.

Our once-golden central Canadian pro-  
vinces now verge on U.S. "rust-belt" sta-  
tus. Both Ontario and Quebec have long  
since entered the realm of "have not" sta-  
tus, rendering them eligible for billions in  
annual federal equalization payments.

Canada's economic sun is now setting on  
the East. In its place, the sun rises on the  
West.

\* \* \*

In theory, this should be fine for Canada.  
From the beginning, Confederation has  
largely been a financial arrangement be-  
tween the provinces. Our country was not  
founded on glorious notions of liberty,  
freedom or love of country, as was the  
case south of the border. While the U.S.  
was born of revolutionaries, Canada  
sprouted from the minds of actuaries,  
bean counters.

The great end-product of our national  
bean counters was equalization. It was a  
quietly competent idea: to shift monies  
around from richer to poorer provinces,  
to provide for more-or-less equal per ca-  
pita government program spending.

This arrangement worked for half a cen-  
tury, for as long as Ontario was able to  
foot most of the equalization bill. Onta-  
rians, seeing themselves as the core, the  
very foundation of Confederation, have,  
decade after decade, willingly (if grudgin-  
gly) paid billions in taxes to the feds. In  
turn, Ottawa has happily redistributed this  
booty to Quebec (a long-time equalization



recipient), Atlantic Canada, and in times of collapsing resource prices, the West.

This long-entrenched fiscal model now appears broken. Ontario is broke. The province has a rudderless and outlandishly incompetent government that keeps trying to dig itself out of its financial hole by buying bigger shovels.

As such, Ontario is no longer a provider of equalization. Rather, it is a growing recipient of it. This increasingly appears to be a long-term trend. The high Canadian dollar, heavy international manufacturing competition, and the province's crushing debt have combined to create a "perfect storm" of sorts for the beleaguered Ontario economy.

Who then is left to pay for this so-called "equalization," the glorious fiscal glue that binds our nation together in a half-hearted embrace?

Increasingly, that role falls to debt-free, resource-rich, oilsands-loving Alberta. Saskatchewan and Newfoundland, with their own oil and gas wealth, are also now net contributors. Still, the great majority of contributions to the federal pot are now bequeathed upon the nation by Alberta.

Alberta has long been the black sheep of Confederation. Alberta is like your rich cousin: that guy with scads of money who's often better at flaunting it than sharing it.

Alberta is now running the show, and it knows it. But unlike Ontario, Alberta is none too keen to quietly slip its wealth

into an envelope and send it off to Ottawa.

Don't get me wrong. Albertans are great people. Hard working. Generous. Resilient. But they are also stubborn people with long memories. Thirty years on, they still chafe at Pierre Trudeau's National Energy Program, which funneled tens of billions of dollars east at the height of the early 1980s oil boom.

For this reason, Albertans are no fans of Ontario. But they regard Quebec with particular antipathy. Why, they reason, should they pay equalization to Quebec, when Quebec obviously has no enthusiasm for the marriage that is Confederation? Many Albertans see La Belle Province as an ungrateful spouse who takes the money, asks for more, but still constantly threatens to walk out the door, never to return.

When Albertans hear Pierre's son, Justin, make comments like "If I [were to] believe that Canada was really the Canada of Stephen Harper... maybe I would think about wanting to make Quebec a country," this just grinds Alberta's gears even more. That kind of statement even bugs Albertans who loathe Mr. Harper (yes, such people do exist). And it makes them all less keen to fund national programs like equalization.

When Justin tweets that "Canada needs Quebec to balance out Harper's vision," Albertans collectively shrug and reply, "No, we don't."

\* \* \*

This is why I am so concerned about Ontario's declining fortunes. Without Ontario, it falls to the West to provide the metaphorical grease that keeps the engine of Confederation running. In the short term, Alberta will reluctantly provide this grease. But in five, 10 or 15 years, I fear the status quo will crumble.

Could the slow and agonizing death of federal equalization lay before us? If so, will Canada be strong enough to withstand the resulting fiscal pressures, the inevitably growing divide between Confederation's rich and poor?

If money – not passion, not patriotism, not cultural or linguistic unity, but cold, hard cash – is the real glue that holds together this project we call Confederation, then what will happen if maybe, just maybe, the money should run out?

Things fall apart; the centre cannot hold;

Mere anarchy is loosed upon the world.

Let us hope that Canada's constitutional and fiscal arrangements ultimately prove flexible enough to withstand the shifting sands of economic power, or "mere anarchy" may be our nation's collective fate.

---

## LOCKERS - CHANGE IN PROCEDURE

The SAO is no longer permitted to cut locks from lockers. Students who for whatever reason need to have their lock cut from their locker must contact Security Services directly. Students must present their McGill ID card, identify the contents of the locker and complete an incident report with the security patroller. Security Operations Centre functions 24/7 and can be reached by dialing (514) 398-4556 at all hours.



# McGill's First Disabilities Awareness Week

Widen Access,  
Explore Universal Design,  
March 12–16, 2012



OSD, McGill  
For more information about  
the campaign or to promote  
your own event within this  
initiative, please contact  
[frederic.fovet@mcgill.ca](mailto:frederic.fovet@mcgill.ca)

Office for students with disabilities  
<http://mcgilloosd.blogspot.com/>  
[disabilities.students@mcgill.ca](mailto:disabilities.students@mcgill.ca)

Poster design: Su Wei



# SOCIAL JUSTICE, LAW AND EQUALITY

*A Conference in Honour of  
Judge Juanita Westmoreland-Traoré*

<b>MARCH 16-17 2012</b>	<b>Faculty of Law McGill University</b>  Registration OPEN
---------------------------------	--

**Registration now OPEN**

**\*\*To guarantee your place, register before March 15:\*\***

<http://www.mcgill.ca/humanrights/conference-registration>

**Registration also available at the door, for remaining seats.**

**Accredited by le Barreau du Québec (six hours, Saturday, March 17)**

After her long and distinguished career, Justice Westmoreland-Traoré will be retiring this year. To mark this milestone this conference honours and celebrates her contributions by exploring critical themes regarding social justice, law and equality.

This two-day event will kick off with a plenary session on Friday evening, ending with a cocktail. A full programme of panel conferences will be held on Saturday, from 9:00 to 18:00, and will include lunch.

**Friday Plenary – given by Professor Afua Cooper – and reception:  
free and open to the public**

**Saturday conference:**  
free for students (with ID)  
25\$ for community members  
75\$ for jurists and lawyers

OFFICIAL PROGRAM : [http://www.mcgill.ca/channels/events/item/?item\\_id=213406](http://www.mcgill.ca/channels/events/item/?item_id=213406)

REGISTRATION: <http://www.mcgill.ca/humanrights/conference-registration> (Space is limited, so register today.)

**VOLUNTEERS NEEDED for Social Justice, Law and Equality: a Conference in Honour of Judge Juanita Westmoreland-Traoré**  
Cet événement historique a besoin de votre aide! Nous cherchons:

1. "Personal interpreters" for a unilingual visitor (judge or lawyer). You would attend the conference with them and interpret any French that they do not understand.

2. Deux (2) étudiant/e/s avec le "McGill Server Training" pour server du vin durant la réception le vendredi 16 mars, de 18h30 à 20h00.

3. 1 person to VIDEO and 1 person to PHOTOGRAPH the conference, for posterity.

4. Six à huit (6-8) personnes comme bénévoles générales – pour aider avec les

inscriptions, les signes, le confort général des participant/e/s et les logistiques de l'événement.

Veuillez envoyer un courriel à Emily à [ecie.law@mcgill.ca](mailto:ecie.law@mcgill.ca) AVANT LE 14 MARS avec le sujet « bénévole / volunteer ». Also be sure to register online for the conference (students are free) with the note that you are a volunteer.



## THE QUID INTERVIEWS:

# STEPHANIE NOWAK

Interim Senior Administrative & Student Affairs Coordinator

### 1. What did you do before coming to McGill?

I grew up in Montreal, moved out West when I was 19, lived in Banff, worked as an interpreter stationed in Waco, Texas, and traveled all over Europe. Then I moved to Whitehorse for a while before coming back to Montreal to start my degree in Translation and Mandarin & Chinese Cultural Studies at Concordia. I worked full time as a waitress while I did my degree, went on exchange to China, graduated in 3 years then took 2 months to travel in India before coming back to Montreal to work for the designer and creator of Moose Knuckles. My cousin Helen, who graduated from McGill law in June 2011, told me about the opening at the CDO, and here I am. I've been in a typhoon and a tornado, held-up at gun-point, hit by a train, dropped out of university 3 times only to go back and be at the top of my class, crashed a wedding in Hampi, India, met Pope John Paul II and the Dalai Lama and taken a 32 hour drive through the Himalayas on 3 days of no sleep. I think I've done it all and I've done it all on my own. I love my life!

### 2. What is your role at the SAO?

My role is a bit of a mish mash in all honesty. I do a bit of everything. I have the pleasure of working with Associate Dean Jaye Ellis on things like the course schedule, with Nancy Czermmel (whom I use as an encyclopedia for all things SAO) I work on the creation of materials for students such as the new Degree Audit Form and letters of attestation (keep that in mind when you apply for Bar school!), with Assistant Dean Aisha Topsakal, I handle the exchange program, with Jane I work on course building, with Thomas I learn about the front lines at the SAO counter. I

get to meet students during SAO drop-in hours and I also get to work with Profs, admissions and the CDO as well as other random people throughout the faculty.



### 3. If you had to define the SAO in relation to the student body, would you say it is (a) a friend, (b) a spouse, or (c) a parent?

How so? Oh this is a tough one. Honestly, it depends on which side you look at it from. I think a lot of students see the SAO as a parent, always making the decisions and telling you what you can and cannot do. However, from the inside, I think we see the SAO and the 4th floor in general, as more of a friend. We really do try and make things as simple and easy as possible for you. We are always trying to find ways to improve the services we offer and build upon what it is students want to get out of their experience in law school. We know how difficult this program is and what we are doing is more like a friend

who gives you honest, tough as nails advice but only because your friend wants you to succeed.

### 4. What do you wish students would ask more often? "Do you need a coffee? Cause I can get that for you." FYI-I take 3 creams and 1 sugar in a small Starbucks coffee from the caf.

### 5. What's the best/worst thing about working in the Faculty of Law?

Best is by far is all the events we hold. But that's mostly because I get to torment my brother who works in the Faculty of Education about all the cool things we have. Worst – constantly being mistaken for a law student at events. When I worked at the CDO, employers always opened with "So, what year are you in?" then I had to explain that, in fact, I worked here and organized this lovely event they were attending. I guess it's a compliment. One can only hope that when I'm 40, I look like I'm 30.

### 7. For curiosity's sake, how many exam papers have you seen ripped to shreds before your eyes?

Hahaha. None. But I've only been in this position for 2 months. Maybe this is a summer event?

### 8. What do you like about working at the SAO? What do you dislike?

I really hate photocopying. I seriously have so much hatred for it. It's annoying, paper is bad for the environment and sometimes a letter sized paper comes out as



legal. Why? Why does it do that?

What I love most though is meeting the students. I love that I am able to get to know so many students and have an impact in their academic career or even in their daily lives by giving them a positive experience at the SAO. Some issues that

we often encounter during drop-in hours are degree planning, inter-university transfers, advice about exchanges and outside credits and really anything else that needs to be talked out and cannot be solved with a few short emails. Exchanges are really fun too because I've done a lot of travelling across North America, Europe

and Asia and also went on exchange to Hangzhou, Zhejiang, China during my degree. It's always nice to be able to draw on my experiences to help the students out when facing the challenges of studying abroad.

## THE EQUALITY EFFECT: UPDATE

The Equality Effect works to create change that will improve the lives of women and girls and reduce the discrimination that currently restricts their freedom and prosperity. Over the years, the Equality Effect has developed a strong partnership with McGill law students, and has provided students with research opportunities and summer internships.

In February, a number of second year students organized Valentine's Day candy grams to raise money for the organization, more specifically, for the '160 girls' project. The '160 girls' project aims to protect girls in Kenya from sexual violence and seeks to secure legal remedies by ordering the state to enforce existing laws. With the support of students, and a generous donation by the Dean's Discretionary Fund to cover costs, a total of 278 candy grams were sold and a sum of \$500 was raised. Many thanks to everyone for the generous support!

### Update on the '160 Girls Project'

The organization is currently building a case in support of the '160 Girls'. The Constitutional action will claim that the police failure to enforce existing laws, which prohibit the defilement/rape of girls, violates the Kenyan Constitution, and violates

the girls' human rights.

The critical factor in the "160 Girls" case, as in any litigation, is the evidence. While there is lots of anecdotal evidence of police failure to enforce the existing defilement laws (and evidence of police themselves raping girls), this evidence is only anecdotal and will not be accepted by a Court. Monitoring and documentation become crucial for the case to succeed. Unfortunately, in order to get sufficient documentation for the claim, it is necessary to wait for girls to be raped, for a police complaint to be filed, and for police treatment of the complaint to be documented.

As it stands, the legal team will be meeting in April to review the evidence collected to date, the draft pleadings and the draft legal arguments. Once the pleadings and arguments are finalized, the case will be filed and heard by the High Court of Kenya. Once the case is heard, a decision is expected within a year.

For more information, please visit [www.theequalityeffect.com](http://www.theequalityeffect.com)

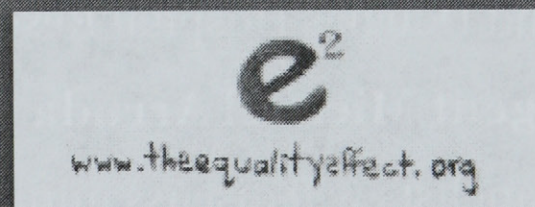
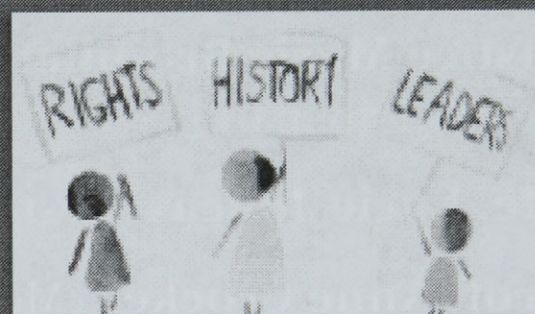
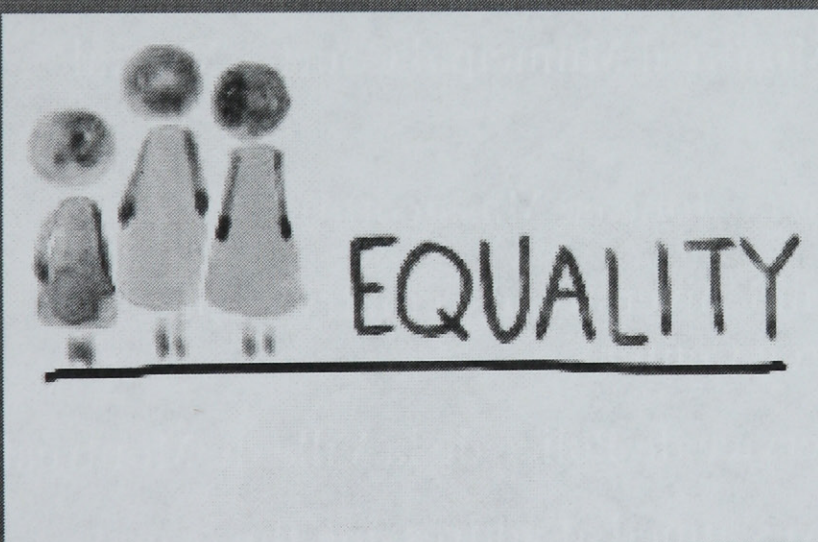




## The Equality Effect's "160 Girls" Project

Fundraising event

Monday, March 19, 2012 • 5:00p.m.-7:00p.m. • Atrium, Faculty of Law, 3644 Peel Ave.



**Cost: \$10** – Includes a drink, finger foods and a raffle ticket for the 50/50 lottery

**Speakers: Pearl Eliadis**, Human Rights Lawyer and a founding member of the e² Board and the 160 Girls legal team & **McGill Law Women's Caucus speakers**

Please R.S.V.P. Priya Morley at [shantha.morley@mail.mcgill.ca](mailto:shantha.morley@mail.mcgill.ca) by Monday, March 12, 2012



Centre for Human Rights  
and Legal Pluralism



Human Rights Working Group



legal. Why? Why does it do that?

What I love most though is meeting the students. I love that I am able to get to know so many students and have an impact in their academic career or even in their daily lives by giving them a positive experience at the SAO. Some issues that

we often encounter during drop-in hours are degree planning, inter-university transfers, advice about exchanges and outside credits and really anything else that needs to be talked out and cannot be solved with a few short emails. Exchanges are really fun too because I've done a lot of travelling across North America, Europe

and Asia and also went on exchange to Hangzhou, Zhejiang, China during my degree. It's always nice to be able to draw on my experiences to help the students out when facing the challenges of studying abroad.

---

## THE EQUALITY EFFECT: UPDATE

The Equality Effect works to create change that will improve the lives of women and girls and reduce the discrimination that currently restricts their freedom and prosperity. Over the years, the Equality Effect has developed a strong partnership with McGill law students, and has provided students with research opportunities and summer internships.

In February, a number of second year students organized Valentine's Day candy grams to raise money for the organization, more specifically, for the '160 girls' project. The '160 girls' project aims to protect girls in Kenya from sexual violence and seeks to secure legal remedies by ordering the state to enforce existing laws. With the support of students, and a generous donation by the Dean's Discretionary Fund to cover costs, a total of 278 candy grams were sold and a sum of \$500 was raised. Many thanks to everyone for the generous support!

### **Update on the '160 Girls Project'**

The organization is currently building a case in support of the '160 Girls'. The Constitutional action will claim that the police failure to enforce existing laws, which prohibit the defilement/rape of girls, violates the Kenyan Constitution, and violates

the girls' human rights.

The critical factor in the "160 Girls" case, as in any litigation, is the evidence. While there is lots of anecdotal evidence of police failure to enforce the existing defilement laws (and evidence of police themselves raping girls), this evidence is only anecdotal and will not be accepted by a Court. Monitoring and documentation become crucial for the case to succeed. Unfortunately, in order to get sufficient documentation for the claim, it is necessary to wait for girls to be raped, for a police complaint to be filed, and for police treatment of the complaint to be documented.

As it stands, the legal team will be meeting in April to review the evidence collected to date, the draft pleadings and the draft legal arguments. Once the pleadings and arguments are finalized, the case will be filed and heard by the High Court of Kenya. Once the case is heard, a decision is expected within a year.

*For more information, please visit [www.theequalityeffect.com](http://www.theequalityeffect.com)*

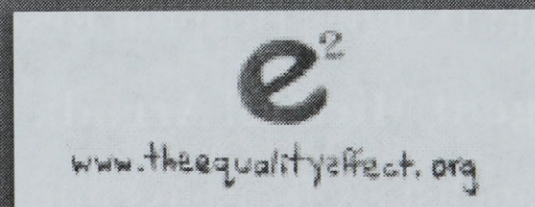
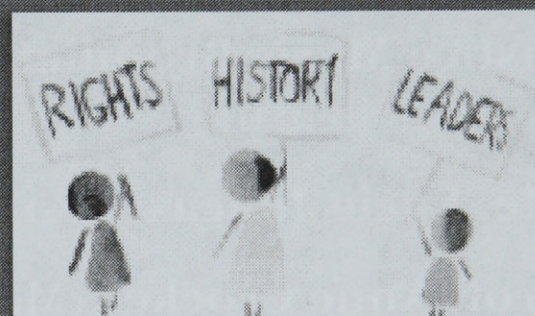
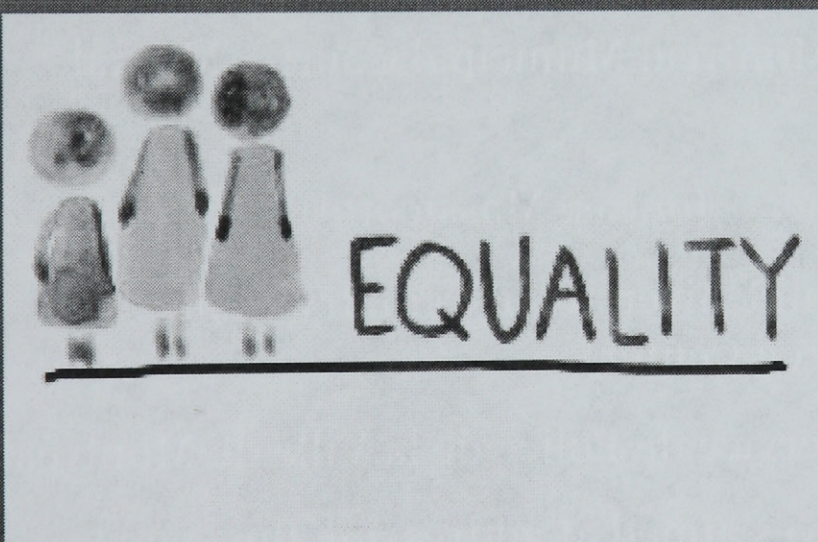




## The Equality Effect's "160 Girls" Project

Fundraising event

Monday, March 19, 2012 • 5:00p.m.-7:00p.m. • Atrium, Faculty of Law, 3644 Peel Ave.



**Cost: \$10** – Includes a drink, finger foods and a raffle ticket for the 50/50 lottery

**Speakers: Pearl Eliadis**, Human Rights Lawyer and a founding member of the e² Board and the 160 Girls legal team & **McGill Law Women's Caucus speakers**

Please R.S.V.P. Priya Morley at [shantha.morley@mail.mcgill.ca](mailto:shantha.morley@mail.mcgill.ca) by Monday, March 12, 2012



Centre for Human Rights  
and Legal Pluralism



Human Rights Working Group



The Disability and the Law Portfolio of the Human Rights Working Group  
invites you to a panel discussion:

# Mental Health Crisis in the Criminal Justice System

Monday, March 19<sup>th</sup> 2012

6:00-7:30pm

Faculty of Law, McGill University, Room 312  
Chancellor Day Hall, 3644 Peel Street

## Panelists

**Justice Marie Brouillet** (Montreal Municipal Court – Mental Health Tribunal)

**Me. Lucie Joncas** (Desrosiers, Joncas, Massicotte)

**Prof. Anne Crocker** (McGill University, Psychiatry Dept.  
and Douglas Hospital Research Center)

**Agent Michael Arruda** (Service de Police de la Ville de Montréal)

Panelists will discuss initiatives aimed at addressing the over-representation of people with mental illness in the criminal justice system, including the development of Mental Health Tribunals.

*Barreau du Québec C.L.E. Accreditation pending*

DISABILITY  
& THE LAW

For more information, e-mail:  
[melanie.benard@mail.mcgill.ca](mailto:melanie.benard@mail.mcgill.ca)

**hrwg**



NELLY  
MARCOUX

# PLAN NORD ET COMMUNAUTÉS AUTOCHTONES NORDIQUES : UN DIALOGUE À POURSUIVRE

What, exactly, is Plan Nord? This question has been raised in many forums since the Quebec government unveiled the project in May 2011.

À cette question, les promoteurs du Plan répondent que le Plan Nord, c'est une ambitieuse stratégie de développement couvrant quelque 1.2 million de kilomètres carrés au nord du 49ème parallèle; un investissement de 80 milliards de dollars; le développement des infrastructures régionales et des secteurs minier, hydroélectrique et forestier; l'occasion d'établir de solides politiques de protection de l'environnement et d'améliorer les perspectives économiques des habitants de la région, notamment les quelque 33 000 membres des communautés crie, inuite et innue. C'est « le projet d'une génération ».

To the public in Quebec and abroad, Plan Nord is advertised as a societal project and a visionary attempt to implement a new model of sustainable development which will reconcile economic, environmental and social aspirations. The commitment to build a partnership with Aboriginal communities based on respect has been widely advertised.

"[T]he enhancement of living conditions in Aboriginal and local communities is a key concern under the Plan Nord", Premier Jean Charest said in May 2011. "For this reason, we have made provision for initiatives in the realms of education, manpower, housing, health and social services, and culture, to foster community well-being and development." The government also emphasizes respect for cultures and identities and claims that Plan Nord will "raise the profile of the culture and identity of northern communities." Plan Nord therefore not only promises to open an economic space for aboriginal participants, but also aspires to serve as "an additional tool through which the First Nations and Inuit can increase their participation in the area's development in the years to come".

Malgré ce tableau prometteur, de nombreuses questions subsistent quant aux coûts et bénéfices du Plan en ce qui a trait aux populations au-

tochtones nordiques. Quels seront les impacts du Plan sur les cultures, identités et modes de vie des communautés nordiques? Quel sera la nature et l'étendue de la participation des communautés et du processus de consultation? Comment les obligations et engagements gouvernementaux envers les communautés crie, innue et inuite du Nord québécois seront-ils mis en œuvre? Ces questions sont d'autant plus importantes que les communautés qui habitent ce territoire depuis des générations et l'utilisent à des fins alimentaires, culturelles, spirituelles et éducatives, doivent composer avec un historique de marginalisation et continuent à faire face aux conséquences sociales, culturelles et économiques de leur passé colonial.

To address these questions and to learn more from the perspectives of some Cree, Innu and Inuit community members, the Aboriginal Law Students' Association, Environmental Law McGill and the McGill Journal of Sustainable Development Law and Policy hosted an event entitled "Plan Nord: Perspectives, challenges and Promises for Northern Indigenous Communities", which took place on February 11. The goal of the event was to create a forum to discuss Plan Nord from the perspective of northern indigenous communities and to highlight some of the priorities and concerns regarding issues of development and participation of Indigenous communities. The result was an extremely rich discussion which featured a range of different perspectives and ideas on fundamental issues, the core of which we outline below.

## WHAT, EXACTLY, IS AT STAKE?

**Professor Colin Scott**, from the McGill department of Anthropology, presented the deeply diverging institutional modes of authority of indigenous and non-indigenous societies. He argued that while maintaining and strengthening indigenous forms of leadership and management is essential to attain important social goals, Cree governance and management institutions are not yet reflected in the

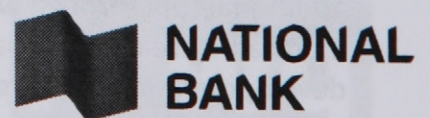


# THE BENEFITS ARE HARD TO DISPUTE

Our financial package<sup>1</sup> for law students offers a wide range of advantages you have to see to believe. Sign up today.

Drop in and see for yourself.

[nbc.ca/lawyersstudents](http://nbc.ca/lawyersstudents)



<sup>1</sup>This financial package is offered to full-time university students in accounting, accountancy, law or notarial law and to students at HEC Montréal who are Canadian citizens or permanent residents of Canada. Students must provide proof of their full-time student status.



Plan Nord. The Cree Nation, however, has been successful in securing a better share of material economic benefits and inclusion in key areas of decision-making; while different motivations may underlie Indigenous and governmental perception of the need for sustainable management of the territory, "zones of reconcilable interests" can be identified. To be beneficial in the long-term, the process must be framed by Cree values; management plans must build on customary institutions; subsistence harvesting must continue and opportunities for locally managed development alternatives (e.g. eco tourism) should be cultivated. High impact developments that could negatively affect customary resources use, however, should be prohibited.

**Mr. Harry Tulugak**, resident of the Northern Village of Puvirnituq and former negotiator for Makivik Corporation, emphasized the importance of not repeating the mistakes of the past. A self-proclaimed "proud dissident of the James Bay and Northern Quebec Agreement", Mr. Tulugak lamented the surrender and extinction of land rights, notably through ss 2.1 and 2.6 of this agreement. This provoked the alienation of many Inuit from their roles as stewards of the land, with devastating psychosocial consequences for families and communities. Expressing concern that the same ideas and processes are at play in Plan Nord, Mr Tulugak called for a more holistic conception development that would address the serious social issues facing his community and foster physical, mental, emotional, and spiritual health. Inuit participation must draw on the Inuit traditions of cooperative development and sharing. Plan Nord offers an opportunity to do things differently and to build a different kind of partnership, based on self-reliance and self-responsibility.

**Professor Jaye Ellis**, Associate Dean (Academic) at the Faculty of Law, offered a critique of the concept of sustainable development, its definition and its application in law. Calling sustainable development a "potentially dangerous concept", she challenged what she termed a false assumption of harmony and integration between economic, social and environmental concerns in mainstream discourse on sustainable development. While the concept may be useful in getting policy-makers, developers and the public to consider social and

environmental issues, Dean Ellis called for representations which convey more accurately development's inherent constraints and conflicts. In the context of Plan Nord, those conflicts range from those between the majoritarian South and the indigenous minorities of the North to the pervasive dichotomy between economic growth and environmental protection. In closing, she emphasized the need to be modest in our expectations of what the law can accomplish and questioned the wisdom of using law as a tool for promoting sustainable development, noting that doing so could stifle some of the important public discussion that is essential to sustainable development to take place.

**M. Ugo Lapointe**, co-fondateur et porte-parole pour la Coalition Pour que le Québec ait meilleure mine!, a précisé qu'il espérait véhiculer deux messages au cours de sa présentation, à savoir (1) qu'il y a lieu de s'inquiéter du Plan Nord, et (2) que la proposition gouvernementale aura cependant provoqué un nécessaire débat sur l'avenir des communautés du Nord. M. Lapointe a critiqué le manque de consultation et de transparence caractérisant un projet d'une telle ampleur, mentionnant en particulier le manque d'information sur la nature des projets et leurs sources de financement. Citant problème endémique de conflits d'intérêt alors que des centaines de projets d'exploration sont actuellement en cours, M. Lapointe affirme que les mesures de protection de l'environnement sont effectivement reléguées à la marge du processus. En guise de conclusion, il souligne l'importance de mettre sur pied un processus de consultation large et inclusif et de résoudre les revendications territoriales en suspens, particulièrement celles des communautés Innues, avant d'aller de l'avant. Il souligne, plus généralement, l'importance de la vigilance citoyenne dans ce dossier.

**Me John Paul Murdoch**, attorney and legal counsel for the Grand Council of the Cree of Eeyou Istchee, spoke of his professional and personal enthusiasm for the Plan Nord, which represents for him the first time his land and people are effectively valued and the first time that government and mainstream population seem to be engaging in dialogue with the North. While acknowledging skeptics' role in scrutinizing the Plan, he encour-



aged the audience to be mindful of the fact that the Plan Nord is "just a plan": "There is no shovel that is waiting, no bulldozer parked" he said. While the government has an important role to play in setting the table, and ensuring that effective consultation proceeds, Me Murdoch considers it unwise to rely on this relationship and on the duty to consult to secure Cree interests. Citing the increasing expertise of the Cree Nation in navigating the regulatory landscape and the inevitable reliance companies will have to place on communities in terms of logistical support, Me Murdoch reports that the Grand Council of the Cree has endorsed Plan Nord and expects to play an integral role in the process, far beyond consultation. "The Cree are open for business", Me Murdoch said, and they are engaging in the process with the hopes of taking responsibility and improving the situation of their communities for generations to come.

**Le Chef Ghislain Picard**, de l'Assemblée des Premières Nations du Québec et du Labrador, a parlé du caractère à la fois inclusif et exclusif du Plan Nord, notamment de la perspective des communautés situées sous le 49ème parallèle qui ressentiront les impacts du Plan sans faire partie de la discussion. Le Chef Picard explique que le caractère non-négociable des priorités du gouvernement québécois, soit l'intégrité du territoire québécois et la primauté du droit québécois ainsi que du processus législatif québécois constitue un sérieux obstacle aux relations entre le gouvernement et la nation innue; pourtant, ces priorités demeurent des principes-clés du Plan Nord. L'approche provinciale a historiquement été basée sur la négation des droits des communautés autochtones et le refus d'aborder la question du titre autochtone. Bien qu'il reconnaisse que le Plan Nord offre des bénéfices économiques certains à court terme, le Chef Picard considère que la quête d'emplois et de stimuli économique ne doit pas se faire aux dépens de priorités fondamentales des Premières Nations. Exprimant son scepticisme quant aux bonnes intentions du gouvernement, il craint que le Plan Nord ne soit qu'une autre occasion de reléguer ces discussions à l'arrière-plan. Jusqu'à maintenant, il a été impossible d'atteindre un dialogue productif et respectueux entre les communautés et le gouvernement provincial, et cette situation se poursuit dans le contexte du Plan Nord.

**Mme Aurélie Arnaud**, de Femmes Autochtones du Québec, a attiré l'attention du public sur le manque de représentation des femmes autochtones dans les espaces décisionnels consacrés au Plan Nord, ce qui soulève la question de la distribution des coûts et bénéfices éventuellement générées par le Plan. La

double invisibilité des femmes autochtones dans le contexte des projets de développement donne lieu de craindre les impacts du projet sur la santé et de la sécurité des femmes et soulève des préoccupations quant à leur participation à l'activité économique, au processus politique et à la prise de décisions. Mme Arnaud souligne l'absence de mécanismes visant à pallier aux retombées négatives risquant d'affecter les femmes autochtones et à remédier aux obstacles entravant leur accès au logement, à l'éducation, à l'emploi et à une vie exempte de violence, particulièrement chez les mères monoparentales. Elle souligne également la discrimination particulièrement aiguë à laquelle se buttent les femmes employées dans les secteurs miniers et hydroélectriques, traditionnellement masculins. Parallèlement, il existe également une corrélation entre l'afflux de travailleurs du Sud et les taux de prostitution, de maladies transmises sexuellement et de consommation au sein des communautés. Une prise de conscience et un changement de culture s'imposent afin d'éviter que les femmes autochtones ne fassent les frais des effets potentiellement pervers du Plan Nord, conclut-elle.

\*\*\*

The diversity of perspectives shared at this event by the panelists and members of the audience highlighted fundamental questions and preoccupations concerning issues of process and participation. Above all, the discussion reflected the widespread desire for a long-term vision for the development of the region. At the end of the day, what is at stake is the creation of healthy and vibrant communities, and of relationships of respect and reciprocity between peoples, governments, the business sector and the environment. This goal and the fundamental questions it raises warrant investing time and resources in an in-depth and society-wide reflection.

*The Aboriginal Law Students' Association, Environmental Law McGill and the McGill Journal of Sustainable Development Law and Policy would like to thank all those who generously gave their time and shared their insights at this event. The commitment and generosity of our guest-speakers, moderators and volunteers was instrumental in creating a vibrant and productive dialogue. We also wish to thank our the Hydro-Québec Fund for Sustainable Development, the Centre for Human Rights and Legal Pluralism, the Dean's Discretionary Fund, the Law Students' Association and Café Santropol for their financial and/or material support.*



A DROIT MCGILL LAW PRODUCTION

# Skit

# Nite

presented by our official partner:

## Blakes

20 mars 2012

doors open at 6:30pm

show starts at 7:30pm

\$15 pré-vente / \$20 à la porte

[law.got.talent@gmail.com](mailto:law.got.talent@gmail.com)

Club  
Soda

1225 St Laurent




 DAVID  
GROVES

## THE OPTIMIST

## MARCH: THE END OF RESOLVE

Ah, March. There are a lot of reasons to love March: the days are getting longer, the air is getting warmer, there's less of a chance that you will slip and fall all the way down Peel like an ungainly human avalanche. But most excitingly, March is the earliest point in the calendar at which it is no longer shameful to abandon your New Year's resolutions like you always knew you would. February? Pathetic. January? Talk about stumbling out of the gate. But March? Hey, good on you! Two months is like a quarter of a year, give or take an eighth. That's no joke! If your willpower were a tank of gas, you might have enough to get to the Ontario border. They say that Bainsville is lovely this time of year.

New Year's resolutions are a mess. They give us an opportunity to imagine a changed self, a better self, but if we really could be a better self that easily, we wouldn't need an arbitrarily assigned date to get drunk and convince ourselves to drink less coffee, or learn the violin, or stop playing Minesweeper. I, the resolution addict, this year opted for the most vanilla of all possible resolutions, and declared (waving my plastic cup of champagne around for emphasis) that I would, finally, start going to the gym. And, as usual, as winter turns to spring, all my resolve is melting away to nothing. Resolutions are like a drug for those of us who lack the fortitude to wake up one day and remake ourselves completely. January and February are the good part of the high, where everything is groovy and possible; March is the inevitable comedown.

What I've realised, after so many trips to the gym, is that the reason New Year's Resolutions are so hard to maintain is because we are asking ourselves to do things that are strange, even hostile, to the way we normally live our lives. They demand big changes, not just minor adjustments. No one makes a resolution to give up chocolate because they already live in a chocolate-free world and just need to make it official; they do it because they are an O'Henry away from a televised intervention. Likewise, no one makes a resolution to go to the gym because they are already a gym person. Gym people are large, well-shaped, and seem to like looking at themselves in the mirror a lot. They eat pro-

tein shakes, listen to music with propulsive beats, and wear clothes that complement their best features. I am not a gym person. I eat frozen pizzas, listen to mopey weirdos doing awful things to their guitars, and own two pairs of pants, neither of which reach my ankles. I have made this terrible resolution, and now realise how little I have in common with this world of "reps" and "sets" and "lats" and "traps". It's like landing on another planet where everyone is sweaty and loves Kanye West.

The saddest part about going to the gym is that I know exactly who else is there under the same flimsy New Year's pretense as me. I see them, I know; they see me, they know. We make eye contact, briefly, forlornly, over the flailing arms of some horrible torture device (the ab-master, the glute-viscerator, the quad-rangulator). Like the two weak wildebeest in the herd, staring across an unfriendly savanna full of female lions and eager nature documentarians, we know where we sit in the pecking order. We won't make it past March. Inevitably, as we contemplate this horrible truth, a battleship-sized man will walk by, wearing a muscle shirt over his dinner plate-sized pecs. We will each remember that one time we tried a muscle shirt on, shudder inwardly, and ride that wave of nostalgic shame right out the door and back to the locker room. No, we are not gym people.

So here's what I say to all my fellow passengers on the New Year's resolution train: if you really want to, it's okay to get off at the next stop. It's not that we resolution addicts are incapable of change and improvement. If that were true, we'd still all be watching Care Bears and eating cereal with marshmallows in it. But the promise of drastic transformation that resolutions bring is an illusion, and the jarring reality that change comes slow is what makes all of our extreme declarations so hard to maintain. In other words, it's not you, it's the tradition. Hence, if you want to walk away, no pressure, no guilt, that's cool. Just think of it as resistance training. Year after year, keep trying and you'll get further and further along, bit by bit. Who knows, maybe you don't even need to wait until December 31st to try again.



## OVERHEARD AT THE FAC

*[Overheard in the Quid office...]*

Editor 1: Can we publish this poem excerpt?

Editor 2: Let me get my Copyright Act!

Editor 1: Isn't it nice to actually know the law!

(10 minutes later)

Editor 2: Yeah, I have no idea.

2L: Sorry for calling you a bitch; I thought you were [redacted].

Prof. [redacted] (en parlant d'un arrêt de la Cour suprême): C'est pas des 2 de piques! C'est pas des abrutis! Et ils ont des bons clerks! Ça c'est vous dans quelques années... des clerks qui ont suivi d'excellents cours! Et ils écrivent ça! Pour ce paragraphe là, je leur donne zéro à ces juges.

Prof. Janda (re: the airline industry): Pardon the pun, I don't want to HIGHjack this question...

Prof. Bachand (en parlant de la Cour fédérale): C'est du Michelin 3 étoiles de la bureaucratie bilingue.

Prof. Piper: There are many ways to construct a balloon dog... I'm an expert, I went to a lot of birthday parties as a kid.

*[At a conference...]*

2L: How do you learn about an expert's field quickly? Especially since medicine is so complex?

Lawyer: There are a surprising number of laproscopic hysterectomies on YouTube. Including one set to Indian music. Hey, you work with the resources available to you!

**quid.overheard@gmail.com**